

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PHILLIP DIBBLE & PATTY DIBBLE,

Plaintiffs,

vs.

CIV 13-0612 KBM/RHS

WELLS FARGO BANK, N.A.

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. *Pro se* Plaintiffs Phillip and Patty ("Dibbles") are ordered to show cause why their lawsuit should not be dismissed without prejudice for failure to comply with the district's local rules. D.N.M.LR-Civ. 83.6 provides:

All attorneys of record and parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in their firm name, mailing addresses, telephone numbers, facsimile numbers, or electronic addresses.

Notwithstanding the requirement to keep the Clerk advised of their current mailing address, on July 8, 2013, the Court received the return of notices mailed to each Plaintiff. The envelopes were mailed to the address listed for the Dibbles on the docket sheet: 03 Hamilton Rd., Los Lunas, NM 87031. This is also the address given by Plaintiffs in their Complaint, filed in this court just one week ago. *See Doc. 1*. The Post Office reported the mail as undeliverable, that there was no mail receptacle, and that it could not forward the mail. *See Docs. 4 & 5*. The Dibbles have not advised the Clerk of Court of any change in their mailing address, nor have they advised that their mail

receptacle is now replaced and that they can receive mail. Thus, they appear to be in violation of D.N.M.LR-Civ. 83.6.

This is not the first time that this Court has encountered a problem in assuring delivery of mail to the Dribbles. Another action, originally filed in State District Court and subsequently removed to federal court, which seems to involve the same property at issue here (although identified there by the address of "19 Buffalo Lane") was dismissed without prejudice under the same circumstances. See *Patty J. Dibble and Phillip W. Dibble v. Wells Fargo Bank, N.A., et al.*, CIV 12-1318 RB/LFG at Doc. 13 ("The Court concludes that the Dibbles' failure to comply with contact requirements of the federal court's local rules constitutes an abandonment of this lawsuit, and, therefore, the Dibbles' Complaint is dismissed without prejudice.").

Accordingly, the Dibbles are directed to show cause, if any they have, why this lawsuit should not also be dismissed without prejudice. Their response and supporting affidavit should be filed with the Court no later than July 24, 2013. The failure to respond to the Court's Order to Show Cause will result in a dismissal of the Complaint without prejudice.

IT IS SO ORDERED.


UNITED STATES CHIEF MAGISTRATE JUDGE